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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,744	10/31/2001	John Falk Kelley	AUS920010748US1	2721
7590	12/18/2006		EXAMINER	
Robert H. Frantz P.O. Box 23324 Oklahoma City, OK 73123-2334			TRUONG, CAM Y T	
			ART UNIT	PAPER NUMBER
			2162	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
2 MONTHS	12/18/2006	PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/001744

Filing Date: 10/31/2001

Appellant(s): John Falk Kelley.

For Appellant

EXAMINER'S ANSWER

This is in response to the Board of Patent Appeals and Interferences filed on 10/5/2006.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

Claims 1-12 are rejected.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of claimed subject matter contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correctly.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied upon*

6452609	Katinsky	11-1998
5913214	Madnick et al	8-1996
5806077	Wecker	1-1993
6473751	Nikolovska	10-2002

(9) *Grounds of Rejection*

(a) On the Final Rejection on 3/24/2005, there are two rejections for claims 1-4, 6, 7-10 and 12 (only one includes Wecker).

Examiner maintains one rejection for claims 1-4, 6, 7-10 and 12 (on paragraph # 6 of the Final Rejection that includes Wecker) and withdraws the other rejection for claims 1-4, 6, 7-10 and 12 (on paragraph # 3 of the Final Rejection that does not include Wecker).

(b) There are duplicate rejections for claims 5 and 11.

Examiner withdraws one rejection for claims 5 and 11 (on paragraph # 8 of the Final Rejection) and maintains the other rejection for claims 5 and 11 (on paragraph# 5 of the Final Rejection).

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky et al (or hereinafter "Katinsky") (USP 6452609) in view of Madnick et al (or hereinafter "Madnick") (US 5913214) and Wecker (US 5806077).

Claims 1 and 7, Katinsky teaches the claimed limitations:

"displaying in a web page a Context Pane having one or more selectable objects of interest to a user" as displaying a media access web page 10 contains objects that can be selected by a user for viewing (fig. 1, col. 7, lines 15-20; col. 8, lines 50-65);

"displaying in said web page a plurality of selectable heterogeneous actions associated with an object and responsive to user selection of an associated object" as displaying in a web page a plurality of icons 60, 62, 64, 66, 68 and 69. These icons associated with media icons 30. In response user's selection one of media icons 30, the system will display detail information of this icon as shown in fig. 5. A plurality of icons is represented as a plurality of selectable heterogeneous actions. Each media icon is represented as media object (figs. 3A-4, col. 5, lines 9-11; col. 4, lines 50-52);

"executing an action script in response to user selection of a selectable action, said action script generating a set of results" as the web page contains the program that displays controls, responds to user events. Thus, when a user selects one of media icons 30 in the sequence by clicking on it to make it the current media icon 52, the system has to execute an action program in response to user's selection. A program is script (figs. 3A-4, col. 5, lines 9-11; col. 4, lines 50-52);

"displaying in said web page to said user said action script results in a Content Pane" displaying a bulleted list containing bulleted items 26 after clicking on a subject matter tab 22 in content pane 12 (fig. 2A, col. 4, lines 30-35);

"said information being filtered and sorted according to said user's interest as indicated by a most recent selection in said Context Pane" as (col. 8, lines 60-65; col. 9, lines 1-10).

Katinsky does not explicitly teach the claimed limitation "said Content Pane containing an aggregation of semi-independent heterogeneous information modules,

heterogeneous transactional modules, or both; as indicated by a most recently selection in said Context Pane".

Madnick teaches that queries may access multiple data sources 104 in order to generate the answer for a user query. For example, a query may be broken down into multiple sub-queries, some of which access traditional databases, some of which access relational databases distributed over a network, and some of which access semi-structured data sources such as a Web page or a menu-driven database system. These sites are all accessed as described respectively above and the separate results are returned. The results from the semi-structured data sources distributed over the network are returned to the wrapper generator 614. The separate responses may be joined by the wrapper generator 614 or by the request translator 102 to provide the user with a complete response to the query. The above information shows that the system aggregates results from modules and transaction modules (col.15, lines 24-40).

Wecker teaches selectively displaying utilization data indicating a date and time of a most recent utilization by said user with respect to said additional unit of information within an information window within said display in response to a selection of said marker by a user of said data processing system, wherein said utilization data may be visually accessed by a user without display of said additional unit of information (col. 5, lines 30-37).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Madnick's teaching of aggregating results from different resources and Wecker's teaching of selectively displaying utilization data

indicating a date and time of a most recent utilization by said user with respect to said additional unit of information within an information window within said display in response to a selection of said marker by a user of said data processing system, wherein said utilization data may be visually accessed by a user without display of said additional unit of information to Katinsky's system in order to retrieve data from semi-structured data sources corresponding to user's request, to provide the most relevance results corresponding to user's request and further to display further information regarding previous visits to that unit of information via a predetermined user input operation a time when a display cursor is within the boundaries of the marker.

As to claims 2 and 8, Katinsky teaches the claimed limitation "performing a search for information related to said selected object" as after clicking on a tab or outline line in the new media icon access panel 12 generates an SQL query of the interface database 1012, which returns a record, set containing the elements to be displayed and the format. This information implies that the system performs a search for records related to the tab or outline. A tab or outline in the new media icon is represented as an object (col. 11, lines 15-20).

As to claims 3 and 9, Katinsky teaches the claimed limitation "retrieving data or information from a database" as (col. 11, lines 15-20).

As to claims 4 and 10, Katinsky teaches the claimed limitation "the step of

retrieving current data or information from a datafeed" as after clicking on a tab or outline line in the new media icon, access panel 12 generates an SQL query of the interface database 1012 which returns a record set containing the elements to be displayed and the format. This information implies that the system retrieves a record set containing the elements from database 1012 to display to a user (col. 11, lines 15-20).

As to claim 6, Katinsky teaches the claimed limitation "organizing said content pane into a plurality of selectable workspaces" as (figs. 2C-5).

As to claim 12, Katinsky teaches the claimed limitation "organizing said content pane into a plurality of selectable workspace" as (fig. 2A-2B; col. 4, lines 37-50).

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky in view of Madnick and Wecker and further in view of Nikolovska.

As to claims 5 and 11, Katinsky disclose the claimed limitation subject matter in claim 1, except the claimed limitation "filtering and sorting said results prior to display".

Nikolovska teaches the user views and selects among the results of the search, which is a result of the sorting, filtering, and profiling information (col. 2, line 25-26).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Nikolovska's teaching of using a text query to filter and sort records in its database representing entry points to WWW into Katinsky's

system, Wecker's system and Madnick's system in order to eliminate irrelevant information and display results in a visually clear and simple way.

(10) Response to Argument

10.1) Appellant stated "Katinsky fails to disclose retrieving information such as historical stock trading data, nor such processing data, such as graphing the historical trends of stock data".

In response: Examiner disagrees. The claims do not recite "historical stock trading data, such as graphing the historical trends of stock data". In fact, the claims 3-4 and 9-10 recite "retrieving data or information". Katinsky teaches retrieving a media stream from the source specified in the media icon record (col. 12, lines 64-66). The above information shows the step of retrieving the media stream. The media stream is represented as information. Thus, Katinsky teaches retrieving information.

10.2) Appellant stated, " Katinsky's display does not use a traditional web page as we have claimed, but instead uses a 'pageless' design (col. 3, lines 42-48)".

In response: Examiner disagrees. The claims do not recite "a traditional web page". In fact, claims recite "a web page". Examiner agreed with applicant that Katinsky teaches "pageless" design in (col. 3, lines 42-48). Besides, Katinsky also teaches a displayed media access web page 10 that contains an object. This object can be

selected by a user for viewing (fig. 1, col. 7, lines 15-20; col. 8, lines 50-65). The web page 10 is represented as a “web page” in claims. Thus, Katinsky teaches the “web page” as recited in claims.

10.3) Appellant stated “Katinsky does not aggregate information into a simultaneous display of different information items as we have claimed, but instead sequences the playing of media objects”.

In response: Examiner disagrees. The claims do not recite “simultaneous display”. In fact, the claims recites “displaying in said web page to said user said action script results in a Content Pane, said Content Pane containing an aggregation results from a plurality of semi-independent heterogeneous information modules, heterogeneous transactional modules, or both”.

Katinsky teaches displaying in a web page to a user a bulleted list containing bulleted items 26 as action script results in a content pane 12 (figs. 1-2A, col. 4, lines 30-35).

Katinsky does not explicitly teach the claimed limitation “said Content Pane containing an aggregation results from a plurality of semi-independent heterogeneous information modules, heterogeneous transactional modules, or both”.

Madnick teaches that queries may access multiple data sources 104 in order to generate the answer for a user query. For example, a query may be broken down into multiple sub-queries, some of which access traditional databases, some of which access relational databases distributed over a network, and some of which access

semi-structured data sources such as a Web page or a menu-driven database system. These sites are all accessed as described respectively above and the separate results are returned. The results from the semi-structured data sources distributed over the network are returned to the wrapper generator 614. The separate responses may be joined by the wrapper generator 614 or by the request translator 102 to provide the user with a complete response to the query. The above information shows that the system aggregates results from semi-independent heterogeneous information modules of traditional databases, relational databases distributed over a network, and some of which access semi-structured data sources such as a Web page (figs. 6 & 8, col.15, lines 24-40).

For the above reason, the combination of Katinsky and Madnick teaches the aggregate information into a display of different information items and the claimed limitation.

10.4) Appellant stated that “a *prima facie* case of obviousness has not been properly established, as this rational is in error because Katinsky in view of Madnick and alternatively Katinsky in view of Madnick in further view of Wecker, would not have been obvious to combine because Katinsky teaches of ‘pageless’ systems for handling of ‘sequenced media object presentation’, while Madnick teaches a page-oriented design (not pageless) for handling semi-structured data (silent regarding media objects, audio, streaming video, etc.), and Wecker teaches of a page-oriented design (not pageless) for displaying hyperlinks (but not executing scripts, adopting an OAN model)”.

In response: Examiner maintains one rejection for claims 1-4, 6, 7-10 and 12 (on paragraph # 6 of the final rejection that includes Wecker) and withdraws one rejection for claims 1-4, 6, 7-10 and 12 (on paragraph #3 of the final rejection that does not include Wecker).

Thus, a prima facie case of obviousness has been properly established as this rational is Katinsky in view of Madnick and Weck.

The examiner respectfully submits that to establish a prima facie case of obviousness under 35 USC 103, references must provide motivation or suggestion either in the references themselves, or in knowledge generally available to one of ordinary skill in the art; must be analogous; and must teach all claimed limitations.

In this case, the instant application is related to a method of retrieving, displaying information based on user's request, displaying a web page having selectable object of interest to a user and generating a set of results in response to user's selection (fig. 3, page 17, lines 14-18, page 15, lines 8-13).

Examiner respectfully agrees with Appellant that Katinsky teaches of pageless systems for handling of sequenced media object presentation.

However, as discussed in the final office action, Katinsky provides another aspect of a system for retrieving information based on user's query, displaying a web page having selectable objects such topics, people, sites to a user, generating a result in response to a user's selection and displaying a bulleted listing containing bulleted items 26 after clicking on a subject matter tab 22 in content pane 12. **The displayed a bulleted listing containing bulleted items 26 indicates a most recent user's**

selection in content pane 12 (figs. 1&2A, col. 7, lines 15-20; col. 2, lines 30-37; col. 30-35).

Similarly, Madnick provides a system for retrieving information from data sources (col. 1, lines 15-20, fig. 6).

Importantly, Madnick provides an advantage of queries may access multiple data sources 104 in order to generate the answer for a user query. For example, a query may be broken down into multiple sub-queries, some of which access traditional databases, some of which access relational databases distributed over a network, and some of which access semi-structured data sources such as a Web page or a menu-driven database system. These sites are all accessed as described respectively above and the separate results are returned. The results from the semi-structured data sources distributed over the network are returned to the wrapper generator 614. The separate responses may be joined by the wrapper generator 614 or by the request translator 102 to provide the user with a complete response to the query. The above information shows that the system aggregates results from semi-independent heterogeneous information modules of traditional databases, relational databases distributed over a network, and some of which access semi-structured data sources such as a Web page (figs. 6 &8, col. 15, lines 24-40).

Wecker teaches selectively displaying utilization data indicating a date and time of a most recent utilization by said user (col. 5, lines 30-37).

As discuss above, a person of an ordinary skill in the art at the time the invention was made would recognize the advantage of Madnick's teaching of aggregating search

results from multiple data sources such as relational databases and traditional databases or sources 612 to response to a user query and Wecker's teaching of selectively displaying utilization data indicating a date and time of a most recent utilization by said user to Katinsky's system in order to provide the most relevance results corresponding to user's request, allow a user to search/retrieve information from different types of data sources on Internet quickly and conveniently, and further displaying the most relevance results indicating a date and time of most recent user's selection so that the user can view the results in a sequence of times clearly.

10.5) Appellant argued that Examiner considers motivation to be found due to increase convenience to the user, by this is controverted by the apparent teaching away of Katinsky to using a page-based design and undesirability, not just a design trade-off choice, according to katinsky of such page-based, conventional web sites, which points towards non-obviousness.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to a person of an ordinary skill in the art at the time the invention was

made would recognize the advantage of Madnick's teaching of aggregating search results from multiple data sources such as relational databases and traditional databases or sources 612 to response to a user query and Wecker's teaching of selectively displaying utilization data indicating a date and time of a most recent utilization by said user to Katinsky's system in order to provide the most relevance results corresponding to user's request, allow a user to search/retrieve information from different types of data sources on Internet quickly and conveniently, and further displaying the most relevance results indicating a date and time of most recent user's selection so that a user can view the results in a sequence of times clearly.

10.6) For claims 5 and 11, Appellant argued that the proposed combination of Katinsky, Madnick, Wecker, and additionally Nikolovska has not been properly established as a combination and modification which would have been obvious to one ordinarily skilled in the art at the time the invention was made for lack of suggestion or motivation in the art to make the four-way combination and motivation.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have

been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Nikolovska's teaching of using a text query to filter and sort records in its database representing entry points to WWW into Katinsky's system and Madnick's system in order to eliminate irrelevant information and display results in a visually clear and simple way.

For the above reasons, it is believed that the rejections should be sustained.

(11) Relatated Proceeding (s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the related Appeals and Interferences section of this examiner's answer.

Respectfully Submitted,

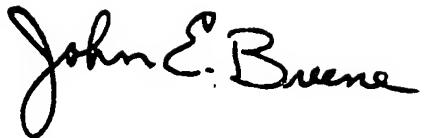


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11/30/2006

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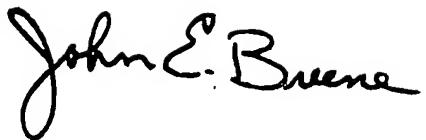


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